Washington, Thursday, March 23, 1939

The President

EXECUTIVE ORDER

ESTABLISHING THE FEDERAL INTERDEPART-MENTAL SAFETY COUNCIL

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

- 1. There is hereby established the Federal Interdepartmental Safety Council as an official advisory agency in matters relating to the safety of Federal employees. The Council shall consist of such officers and employees of the various Executive departments and agencies of the Federal Government and of the Government of the District of Columbia as may be designated by the respective heads thereof. The members of the Council shall serve without additional compensation.
- 2. The Council shall, without entailing additional expense to the Federal Government, act as a clearing house for accident prevention and health conservation information, and shall make recommendations and prepare forms relating to safe practices and procedures. The Council shall also, on request, conduct surveys or such other investigations as may be deemed necessary to reduce accident hazards, and shall report the results of such surveys and investigations to the head of the department or agency concerned, together with its recommendations.
- 3. The general policy of the Council shall be determined by a Board consisting of the Secretary of Labor (who shall act as chairman), the Secretary of the Treasury, the Secretary of the Navy, the Secretary of War, the Postmaster General, the Secretary of the Interior, the Secretary of Agriculture, and the heads of such other departments or agencies as the above-named members shall determine should have representation thereon.
- 4. The Division of Labor Standards,

to cooperate with the Council in the performance of its functions.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE March 21, 1939.

[No. 8071]

[F. R. Doc. 39-956; Filed, March 22, 1939; 10:13 a. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE OF THE NAVY DEPARTMENT FOR NAVAL AVIA-TION PURPOSES

WASHINGTON

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered as follows:

Section 1. Executive Order No. 6964 of February 5, 1935, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked in so far as it affects the following-described tracts of land in the State of Washington:

Willamette Meridian

T. 31 N., R. 4 W., sec. 22, lot 1 sec. 23, lots 1, 2 and 3 sec. 27, lots 5, 6 and 7; containing 45 acres.

Harbor Rock, approximate latitude 48°28'12"
N., longitude 122°58'10" W., as shown on Coast and Geodetic Survey chart No. 6380, unsurveyed, in SW!4 ccc. 5, T. 34 N., R. 2 W., estimated to contain .05 of an acre. North Pacific Rock, approximate latitude 48°28'17" N., longitude 122'53'40" W., as shown on Coast and Geodetic Survey chart No. 6380, unsurveyed, in NE!4 ccc. 1, T. 34 N., R. 3 W., estimated to contain .05 of an acre. an acre.

SECTION 2. Subject to the conditions expressed in the above mentioned acts and to all valid existing rights, the tracts of land described in section 1 of this Department of Labor, is hereby requested order are hereby temporarily withdrawn

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Washington, D. C.

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from settlement, location, sale, or entry, and reserved for use of the Navy Department for naval aviation purposes.

Section 3. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE, March 21, 1939.

[No. 8072]

[F. R. Doc. 39-955; Filed, March 22, 1939; 10:13 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE FROM SUGARCANE IN PUERTO

Pursuant to the provisions of Section 302 (a) of the Sugar Act of 1937, I, H. A. Wallace, Secretary of Agriculture, do hereby make the following determina-

SEC. 802.41a, Determination of sugar commercially recoverable from sugarcane in Puerto Rico. The amount of sugar commercially recoverable from the sugarcane grown on a farm in Puerto Rico and marketed (or processed by the producer) for the extraction of sugar shall be obtained by multiplying the number of short tons of such sugarcane by the number of hundredweights of sugar, raw value, commercially recoverable per ton of such sugarcane, computed in accordance with the applicable formulae, with respect to recoverable sugar, set forth in paragraph (a) of the "Determination of Fair and Reasonable Prices for the 1938-1939 Crop of Puerto Rican Sugarcane, Pursuant to the Sugar Act of 1937," issued February 24, 1939,1 and the quantity of 96° sugar thereby obtained shall be converted to raw value basis in accordance with the provisions of Title I of the Sugar Act of 1937: Provided, however, That if settlement for the sugarcane marketed is not based on analysis of the sucrose content of such sugarcane, the sugar commercially recoverable shall be computed weekly in terms of 96° sugar, by multiplying the number of short tons of sugar marketed during each week by the average recovery of sugar per ton of sugarcane processed by the mill for the week, and the quantity of 96° sugar thereby obtained shall be converted to raw value basis in accordance with the provisions of Title I of the Sugar Act of 1937. (Sec. 302, 50 Stat. 910; 7 U. S. C., Sup. IV. 1132)

¹4 F. R. 1007 DI.

1308

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Done at Washington, D. C. this 22d day of March 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE, Secretary.

[F. R. Doc, 39-967; Filed, March 22, 1939; 12:02 p. m.]

TITLE 8-ALIENS AND CITIZENSHIP IMMIGRATION AND NATURALIZA-TION SERVICE

[General Order No. C-9]

DOCUMENTS REQUIRED OF ALIENS ENTER-ING THE UNITED STATES

March 21, 1939.

Pursuant to the authority contained in Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166, 8 U.S. C. 222), and Executive Order No. 8029 dated December 27, 1938, 3 F. R. 3177 (D. I.), the following rules and regulations are prescribed for enforcement of the immigration laws:

Sec. 11.41, Title 8, Code of Federal Regulations (Rule 3, Subdivision F, Paragraph 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is renumbered and amended to read as follows:

SEC. 1.41 (a) Necessity for immigration and passport visas; inadmissibility in absence thereof; exceptions. No immigrant, whether a quota immigrant or a nonquota immigrant, of any nationality shall be admitted to the United States unless such immigrant shall present to the proper immigration official at the port of arrival an unexpired passport or official document in the nature of a passport issued by the government of the country to which he owes allegiance, or other travel document showing his origin and identity, and an immigration visa duly issued and authenticated by a consular officer, except in the following cases: (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (a), E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.))

(1) Child born after issuance of visa to parent. An alien immigrant child born subsequent to the issuance of the immigration visa of an accompanying parent, the visa not having expired; (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (a). E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.))

(2) Child born to alien mother visiting abroad. An alien immigrant child born during the temporary visit abroad of an alien mother who has previously been legally admitted into the United States for permanent residence, provided the child is accompanying a parent to the United States upon the first return of the parent to the United States and applies for admission into the United States within a period of two years after the date of birth. The case of an allen precisely within the terms of these conditions, may be referred to the Central Office for determination as to whether it comes within the provisions of Section 13 (a) of the Immigration Act of 1924; lishing that their residence in the E. O. 8029 December 27, 1938, 3 F. R. (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (a), E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. L.))

- (3) Lawful resident of United States visiting nearby countries. An alien immigrant who has previously been legally admitted into the United States for permanent residence, has departed temporarily therefrom, and returned within six months, not having proceeded to any Pacific Ocean where there is no United place outside Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, the Panama Canal Zone, Bermuda, or the British, French, or Netherland possessions in the West Indies; (*; sec. 13, 43 Stat. 161, 8 U.S. C. 213 (b), E.O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.))
- (4) Lawful resident of United States returning from cruise. An alien immigrant who has previously been legally admitted into the United States for permanent residence, reentering from a journey beginning in an American port, without transshipment from the original vessel to another vessel. This provision allows a lawfully admitted immigrant to reenter the United States without a passport or visa when returning from a round-trip cruise and also from a journey which is not a round-trip as, for example, from a journey which begins at New York and ends at San Francisco with the vessel touching at Central or South American ports en route; (*; sec. 13, 43 Stat. 161, 8 U.S. C. 213 (b), E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. L.))
- (5) Lawful resident of United States presenting reentry permit. An alien immigrant who has previously been legally admitted into the United States for permanent residence, has departed therefrom and is returning from a temporary visit abroad, and who holds an unexpired permit to reenter issued pursuant to Section 10 of the Immigration Act of 1924. The alien must present the permit to the appropriate immigration officer at the port of arrival; (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (b), E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. L.))
- (6) Philippine citizens; reentry into Hawaii without visa or permit. Philippine citizens, upon returning from a temporary visit to any foreign country, or the Philippine Islands, may be readmitted into Hawaii without an immigration visa or reentry permit upon establishing that their residence in Hawaii began prior to May 1, 1934, that their absence from the Territory was temporary and that they are otherwise admissible under the immigration laws: (*; sec. 8, 48 Stat. 462, 48 U. S. C. 1238)
- (7) Philippine citizens; reentry into United States without visa or permit, Philippine citizens, upon returning from poses there will be entered in the space mitted into the United States who later

- child of tender age which does not come a temporary visit to any foreign coun-provided in the manifest for noting the readmitted into the United States (in-gration visa a notation reading as folcluding Hawaii) without an immigra- lows: "Admitted under act of May 26, tion visa or a reentry permit upon estab- 1926." (*; 44 Stat. 657; 8 U. S. C. 231, United States, except the Territory of 3177 (D. L)) Hawaii, began prior to May 1, 1934, that their absence from the United States was temporary, and that they are otherwise admissible under the immigration laws. (*; sec. 8, 43 Stat. 462, 43 U.S. C. 1238)
 - establishes that he has previously been lawfully admitted into the Territory of Hawaii for permanent residence and is returning from a temporary visit of not more than six months not having proceeded to any place other than to the nearby islands in the Pacific Ocean at which there is no American consular officer, shall be permitted to reenter the Territory of Hawaii without a passport, immigration visa, or permit to reenter. (*; sec. 13, 43 Stat. 161, 8 U.S.C. 213 (b), letter, Secretary of State February 1, 1939)
 - (b) Student visiting nearby countries. An alien who has previously been legally admitted into the United States as a nonquota immigrant student, has departed therefrom and is returning within six months, not having proceeded to any place outside Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, the Panama Canal Zone, Bermuda, or the British, French, or Netherland possessions in the West Indies, and not having relinquished his student status may reenter without an immigration visa. A valid passport or other travel document, however, is required of such alien students. (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. L))
 - (c) Spanish national; entry into Puerto Rico for permanent residence; passport visa sufficient. A Spanish national who on April 11, 1899 (whether adult or minor) was a bona fide resident of Puerto Rico or adjacent islands which comprised the Province of Puerto Rico, and who, in conformity with article IX of the Treaty between the United States and Spain of April 11, 1899, has preserved his allegiance to Spain, may present a passport visa, in lieu of an immigration visa, for entry into Puerto Rico for permanent residence. The act of May 26, 1926 provides that such aliens may be admitted into Puerto Rico without regard to the provisions of the Immigration Act of 1924, except section 23 thereof. Passport visas issued to such aliens will bear the following notation: "Visa issued to Spanish citizens under provisions of act of May 26, 1926." If such aliens travel by a mainland port, the visa will bear the notation: "Via (name of port)." For statistical pur-

try, or the Philippine Islands, may be date, place, issue, and number of immi-

(d) Waiver of passport requirements for immigrants citizens of nearby countries. An immigrant who is a citizen of Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, Bermuda, or any (8) Residents of Hawaii; reentry British, French, or Netherland possesthereto from nearby islands in the sion in the West Indies domiciled theresion in the West Indies, domiciled therein, or who is a British subject domiciled States consular officer. An alien who in Canada, Newfoundland, Bermuda, or any British possession in the West Indies, or who is a French citizen domiciled in St. Pierre, Miquelon, or any French possession in the West Indies, or who is a Netherland subject domiciled in any Netherland possession in the West Indies, need not be in possession of a valid passport or other document issued in lieu thereof. (*; E. O. 8029 December 27, 1933, 3 F. R. 3177 (D. L), letter. Secretary of State February 1, 1939)

> Sec. 11.42, Title 8, Code of Federal Regulations (Rule 3, Subdivision F. Paragraph 2 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is renumbered and amended to read as follows:

> Sec. 1.42 (a) Nonimmigrants; documents required of. No nonimmigrant allen, except an allen seaman within clause 5 of Section 3 of the Immigration Act of 1924, as amended, shall be admitted to the United States unless he shall present to the proper immigration official at the port of arrival an unexpired passport or official document in the nature of a passport issued by the government of the country to which he owes allegiance, duly visued by a consular officer of the United States, except in the following cases: (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.))

- (1) Citizens of nearby countries, entering or passing through the United States. A non-immigrant alien passing in transit through the United States or entering the United States temporarily. who is a citizen of Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama. Bermuda, or of any British, French, or Netherland possessions in the West Indies, and domiciled therein, or who is a British subject domiciled in Canada, Newfoundland, Bermuda, or any British possession in the West Indies, or who is a French citizen domiciled in St. Pierre or Miquelon or any French possession in the West Indies, or who is a Netherland subject domiciled in any Netherland possession in the West Indies; (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.))
- (2) Transit through continuous territory. A nonimmigrant alien lawfully ad-

United States to another through foreign contiguous territory; (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. L.))

- (3) Child born after issuance of visa to parent. A nonimmigrant alien child born subsequent to the issuance of the passport visa or transit certificate of an accompanying parent, the visa or transit certificate not having expired; (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. L))
- (4) Foreign officials or treaty merchants. An alien who has previously been legally admitted into the United States with a diplomatic visa or with a passport visa as a nonimmigrant as defined by Section 3 (1), or Section 3 (6) of the Immigration Act of 1924, and who departed temporarily therefrom and returned within six months, not having proceeded to any place outside Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, the Panama Canal Zone, Bermuda, or the British, French, or Netherland possessions in the West Indies, and not having relinquished the status in which he was originally admitted; (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.))
- (5) Residents of the Fiji Islands and other remote Pacific islands. Residents of the Fiji Islands and remote Pacific islands who, after arrival at ports of entry in Hawaii or on the Pacific Coast, including Vancouver, are found by the immigration authorities to be classifiable as bona fide nonimmigrant temporary visitors under Section 3 (2) of the Immigration Act of 1924 or as transits under Section 3 (3) of the same Act; (*; E.O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.), letter, Secretary of State January 16, 1939)
- (6) Transits from Fanning Island. Europeans who desire to pass in transit through American territory en route from Fanning Island to England; (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.), letter Secretary of State January 16, 1939)
- (7) Doukhobors entering for medical treatment. Members of the Christian Community of Universal Brotherhood, Ltd. (known as Doukhobors) at Brilliant, British Columbia, who are not exempt under the foregoing provisions of this section from passport and visa requirements, when entering the United States temporarily for medical treatment and when in possession of letters from the competent officials of their organization certifying to the purpose of their visit and guaranteeing their return to Canada; (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.), letter, Secretary of State January 16, 1939).
- (8) Residents of remote sections of Canada entering Alaska. Residents in remote sections of Canada, entering Alaska temporarily as visitors or as transits and who are unable without undue inconvenience to obtain passport

- goes in transit from one part of the ber 27, 1938, 3 F. R. 3177 (D. I.), letter, Secretary of State January 16, 1939)
 - (b) Transits; documents required of. A non-immigrant alien not included in any of the exceptions specified in subsection (a) of this section who is passing in transit through the United States, may present in lieu of a passport visa a transit certificate issued by a consular officer of the United States. (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.))
 - (c) Limited entry certificate. A nonimmigrant transit alien not included in any of the exceptions specified in subsections (a) and (b) of this section may present in lieu of a passport visa or transit certificate a limited entry certificate, affixed to the alien's passport or other travel document, issued by a consular or other authorized officer of the United States, valid for only one application for admission to the United States and only for admission
 - (1) At a port of entry on the Canadian or Mexican border for a period not exceeding 10 days where departure from the United States is to occur through the same port; or
 - (2) At a seaport of entry for the period the vessel on which the alien arrives is to be in a port of the United States, but not for a period in excess of ten days. If such vessel touches at more than one United States port on the same voyage, he may be permitted to land at each port of call for a period not exceeding ten days. He may also be permitted to land temporarily in one port, for example, the port of New York, to remain there while such vessel proceeds to another port, for example, the port of Philadelphia. and returns to the first port, provided departure is effected on the same vessel through the port of entry and within a period of ten days from date of entry. (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.))
 - (d) Validity of passport or other travel document. A nonimmigrant alien coming within the scope and purview of clauses 2 and 3 of Section 3 of the Immigration Act of 1924, as amended, if required to present a passport or other travel document by subsection (a) of this section, shall not be admitted to the United States unless his passport or other travel document is valid for his entry into some country other than the United States for a period of at least sixty days beyond the length of time he desires to remain in the United States or unless he is in possession of some additional official document which is so valid. (*)
- (e) Aliens without recognized documents. Aliens of no nationality and those who when they apply for visas are outside of the territory of the countries to which they owe allegiance, and who for any reason are unable to obtain passports or documents in the nature of passports of such countries, and or visas thereon. (*; E. O. 8029 Decem- aliens bearing passports issued by gov- certificate, giving the dates and the air-

ernments not recognized by the United States may be admitted to the United States with documents showing their identity and nationality duly visaed by consular officers. (*; E. O. 8029 December 27, 1938, 3 F. R. 3177 (D. I.), State Department regulations "Admission of Aliens into the United States" January 1, 1936, P. 74-75)

Sec. 11.65, Title 8, Code of Federal Regulations (Rule 3, Subdivision H. Paragraph 8 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936) as amended, is hereby renumbered Sec. 1.65 and canceled.

[SEAL] EDW. J. SHAUGHNESSY. Deputy Commissioner of Immigration and Naturalization. Approved: FRANCES PERKINS. Secretary.

[F. R. Doc. 39-965; Filed, March 22, 1939; 11:59 a. m.]

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY

[Amendment 8 of Civil Air Regulations]

CREATING A NEW METHOD FOR RENEWAL OF PRIVATE PILOT CERTIFICATES

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 21st day of March 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

1. Section 20.3502 (c) of Part 20 of the Civil Air Regulations is hereby amended so that the same will read as follows:

"20.3502 (c) Private Pilot. (1) 15 hours of solo flight in aircraft of each type for which renewal is sought within the year preceding expiration: Provided, however, That at least 5 hours of solo flight shall have been in each weight and engine classification for which renewal is sought: Provided, further, That a private pilot not meeting the above requirements may, in lieu thereof, within the 45 days last preceding expiration, secure from a certificated instructor one hour of dual flight instruction, 3 hours of solo practice and 1 hour's check in an aircraft of each weight and engine classification for which renewal is sought, and the certificated instructor's statement that the applicant satisfactorily practiced and performed with him all the maneuvers required in the flight test for original issuance of a private and

"(2) a satisfactory physical examination, completed within the 14 months preceding expiration, in accordance with the provisions of § 20.104, or

"(3) if the applicant is an active member of the regular Army, Navy or Marine Corps, or a reserve member of any such service on extended active duty with such service, may meet the requirements of (1) and (2) by the same showing provided for in § 20.129."

By the Authority.

[SEAL]

PAUL J. FRIZZELL, Secretary.

[F. R. Doc. 39-964; Filed, March 22, 1939; 11:58 a. m.]

TITLE 16-COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 2957]

IN THE MATTER OF DR. W. B. CALDWELL, INC.

SEC. 3.6 (y 1) Advertising falsely or misleadingly—Scientific or other relevant facts. Representing, in connection with offer, etc., in commerce, of a liquid laxative medicinal preparation designated as "Syrup Pepsin," "Dr. Caldwell's Syrup Pepsin" and "Syrup of Pepsin," or any other preparation containing substantially similar ingredients or therapeutic properties, that doctors and hospitals prefer liquid laxatives, unless such representation is qualified by an equally conspicuous statement that any such preference is limited to those cases where diagnosis of the disorder and the patient's reaction to various types of laxatives indicate that the use of a liquid laxative is preferable; or that the use of liquid laxatives causes systems to function properly and normally, unless such representation is qualified by an equally conspicuous statement that any such result obtained will be limited to those cases where the individual user's reaction to laxatives indicates that the use of a liquid laxative is preferable; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S. C., Supp. IV, sec. 45b) [Cease and desist order, Dr. W. B. Caldwell, Inc., Docket 2957, March 8, 1939]

SEC. 3.6 (x) Advertising falsely or misleadingly - Results. Representing, in connection with offer, etc., in commerce, of a liquid laxative medicinal preparation designated as "Syrup Pepsin," "Dr. Caldwell's Syrup Pepsin" and "Syrup of Pepsin," or any other preparation containing substantially similar ingredients or therapeutic properties, that the use of said preparation restores or maintains health or regulates the system or causes the system to function properly and normally, other than to the extent which such results may be accomplished by a laxative or cathartic temporarily relieving constipation, prohibited. (Sec. 5, 2F.R. 1100 (1315 DI).

Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) John L. Hornor and Robert S. Hall, ex-[Cease and desist order, Dr. W. B. Caldwell, Inc., Docket 2957, March 8, 19391

SEC. 3.6 (c) Advertising falsely or misleadingly—Composition of goods: Sec. 3.66 (a) Misbranding or mislabeling-Composition. Representing, in connection with offer, etc., in commerce, of a liquid laxative medicinal preparation designated as "Syrup Pepsin," "Dr. Caldwell's Syrup Pepsin" and "Syrup of Pepsin," or any other preparation containing substantially similar incredients or therapeutic properties, through use of word "pepsin," alone or in association with any other word or words in the designation or description of such preparation, or in any other manner or through any other means or device, that said preparation owes its laxative and cathartic properties to its pepsin content, or using word "pepsin," alone or in association with any other word or words, to designate, etc., any preparation which does not contain a sufficient quantity of pepsin, as an active ingredient, to possess substantial therapeutic value by reason of such pepsin content, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Dr. W. B. Caldwell, Inc., Docket 2957, March 8, 1939]

Sec. 3.6 (c) Advertising falsely or misleadingly—Composition of goods: Sec. 3.66 (a) Misbranding or mislabeling-Composition. Using, in connection with offer, etc., in commerce, of a liquid laxative medicinal preparation designated as "Syrup Pepsin," "Dr. Caldwell's Syrup Pepsin" and "Syrup of Pepsin," or any other preparation containing substantially similar ingredients or therapeutic properties, any term or name to describe, etc., such preparation containing senna and cascara sagrada as its active ingredients, which name or term conceals or deceptively minimizes the presence of such ingredients, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S. C., Supp. IV. sec. 45b) [Cease and desist order, Dr. W. B. Caldwell, Inc., Docket 2957, March 8, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of March, A. D. 1939.

Commissioners: Robert E. Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard1 by the Federal Trade Commission upon the amended complaint of the Commission, the answer of respondent, testi-

craft in which such flight was acquired, 38 Stat. 719, as amended by Sec. 3, 52 mony and other evidence taken before aminers of th. Commission theretofore duly designated by it, in support of the allegations of said amended complaint and in opposition thereto, briefs filed herein, and oral arguments by W. L. Taggart, counsel for the Commission, and by Edward S. Rogers of Rogers, Ramsey & Hoge, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Dr. W. B. Caldwell, Inc., its officers, reprecentatives, agents and employees, directly or through any other corporate device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of a liquid laxative medicinal preparation now designated as "Syrup Papsin," "Dr. Caldwell's Syrup Pepsin" and "Syrup of Pepsin" or any other preparation containing substantially similar ingredients or possessing similar therapeutic properties, whether sold under those names or any other names, do forthwith cease and desist from:

(1) Representing that doctors and hospitals prefer liquid laxatives unless such representation is qualified by an equally conspicuous statement that any such preference is limited to those cases where diagnosis of the disorder and the patient's reaction to various types of laxatives indicate that the use of a liquid laxative is preferable:

(2) Representing that the use of liquid laxatives causes systems to function properly and normally unless such representation is qualified by an equally conspicuous statement that any such result obtained will be limited to these cases where the individual user's reaction to laxatives indicates that the use of a liquid laxative is preferable;

(3) Representing that the use of said preparation restores or maintains health or regulates the system or causes the system to function properly and normally other than to the extent which such results may be accomplished by a laxative or cathartic temporarily relieving constipation;

(4) Representing through the use of the word "pepsin" alone or in association with any other word or words in the designation or description of such preparation or in any other manner or through any other means or device, that said preparation owes its laxative and cathartic properties to its pepsin content;

(5) Using the word "pepsin" alone or in association with any other word or words to designate, describe or refer to any preparation which does not contain a sufficient quantity of pepsin, as an active ingredient, to possess substantial therapeutic value by reason of such pepsin content;

scribe, designate or refer to such preparation containing senna and cascara sagrada as its active ingredients, which name or term conceals or deceptively minimizes the presence of such ingredients.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-948; Filed, March 22, 1939; 9:09 a. m.]

[Docket No. 3339]

IN THE MATTER OF W. J. BUSH & COM-PANY, INC.

SEC. 3.66 (k) (4) Misbranding or mislabeling-Source or origin-Place. Using, in connection with offer, etc., in interstate commerce or in District of Columbia, of perfumes, colognes and other toilet preparations, words "Made in England," or any other word or words indicating English origin, on the labels, cartons or containers of perfumes, etc., made or compounded in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. J. Bush & Company, Inc., Docket 3339, March 8, 19391

SEC. 3.66 (k) (3) Misbranding or mislabeling-Source or origin-Maker: Sec. 3.66 (k) (4) Misbranding or mislabeling-Source or origin-Place. Using, in connection with offer, etc., in interstate commerce or in District of Columbia, of perfumes, colognes and other toilet preparations, words or names "Potter & Moore's Mitcham Lavender of London," or "Potter & Moore, England," or any other word, words or names which may indicate English origin, on the labels, cartons or containers of perfumes, etc., made or compounded in the United States, without clearly and conspicuously stating, in immediate connection or conjunction therewith, that such products are made or compounded in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, W. J. Bush & Company, Inc., Docket 3339, March 8, 1939]

SEC. 3.66 (k) (4) Misbranding or mislabeling—Source or origin—Place. Using, in connection with offer, etc., in interstate commerce or in District of Columbia, of perfumes, colognes and other toilet preparations, words "Made in France," or any other word or words indicating French origin, on the labels, cartons or containers of perfumes, etc., made or compounded in the United States. prohibited. (Sec. 5, 38 Stat. 719, 1 14 F. R. 609 DI.

(6) Using any term or name to de- as amended by Sec. 3, 52 Stat. 112; 15 and other toilet preparations made or U. S. C., Supp. IV, sec. 45b) [Cease and compounded in the United States; desist order, W. J. Bush & Company, Inc., Docket 3339, March 8, 1939]

> Sec. 3.66 (k) (3) Misbranding or mislabeling—Source or origin—Maker: SEC. 3.66 (k) (4) Misbranding or misorigin—Place. labeling—Source orUsing, in connection with offer, etc., in interstate commerce or in District of Columbia, of perfumes, colognes and other toilet preparations, words or names "Extrait Oelliet Fane" or "Grenoville, Paris," or any other word, words or names which may indicate French origin, on the labels, cartons or containers of perfumes, etc., made or compounded in the United States, without clearly and conspicuously stating, in containers of perfumes, colognes and immediate connection or conjunction therewith, that such products are made pounded in the United States. or compounded in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, W. J. Bush & Company, Inc., Docket 3339, March 8, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of March, A. D. 1939.

Commissioners: Robert E. Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. mission a report, in writing, setting forth Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between the respondent herein and W. T. Kelly, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions

It is ordered, That the respondent, W. J. Bush & Company, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of its perfumes, colognes and other toilet preparations, in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Using the words "Made in England," or any other word or words indicating English origin, on the labels, cartons or containers of perfumes, colognes

- (2) Using the words or names "Potter & Moore's Mitcham Lavender of London," or "Potter & Moore, England," or any other word, words or names which may indicate English origin on the labels, cartons or containers of perfumes. colognes and other toilet preparations made or compounded in the United States without clearly and conspicuously stating in immediate connection or conjunction therewith that such products are made or compounded in the United States.
- (3) Using the words "Made in France" or any other word or words indicating French origin on the labels, cartons or other toilet preparations, made or com-
- (4) Using the words or names "Extrait Oelliet Fane" or "Grenoville, Paris." or any other word, words or names which may indicate French origin on the labels, cartons, or containers of perfumes. colognes and other toilet preparations, made or compounded in the United States without clearly and conspicuously stating in immediate connection or conjunction therewith that such products are made or compounded in the United States.

It is further ordered, That the respondent shall within sixty days after service upon it of this order file with the Comin detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-949; Filed, March 22, 1939; 9:09 a. m.]

[Docket No. 2549]

IN THE MATTER OF CONSOLIDATED PORTRAIT & FRAME COMPANY ET AL.

SEC. 3.69 (b) (8) Misrepresenting oneself and goods-Goods-Nature. Representing, directly or in any other manner, in connection with advertising, offer, sale and distribution, in commerce, of colored or tinted photographs or enlargements of the Federal Trade Commission Act: having a photographic base, that colored or tinted photographs or photographic enlargements are paintings or "finely finished paintings," or using term "painting," either alone or in conjunction with any other terms or words in any way, to designate, etc., colored or tinted photographs, or photographic enlargements or other pictures produced from a photographic base or impression, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Portrait & Frame Company et al., Docket 2549, March 11, 1939]

Sec. 3.69 (a) (10 a) Misrepresenting oneself and goods-Business status, ad-

vantages or connections—Operations as | DeLuxe Art Studio, his agents, etc., that | DeLuxe Art Studio, his agents, etc., that special advertising: SEC. 3.72 (n) Offering deceptive inducements to purchase-Special offers. Representing, in connection with advertising, offer, sale and distribution, in commerce, of colored or tinted photographs or enlargements having a photographic base, that respondents, or any of them, are conducting a special or advertising campaign in any particular place or locality for the purpose of obtaining customers who will exhibit their pictures, or for any other purpose, unless such campaign is in fact then being conducted in such locality, for such purposes, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Portrait & Frame Company, et al., Docket 2549, March 11, 1939]

SEC. 3.69 (b) (4) Misrepresenting oneself and goods-Goods-Free goods: Sec. 3.69 (c) (5) Misrepresenting Oneself and goods-Prices-Usual as reduced: SEC. 3.72 (e) Offering deceptive inducements to purchase-Free goods: Sec. 3.72 (n) Offering deceptive inducements to purchase-Special offers. Representing, in connection with advertising, offer, sale and distribution, in commerce, of colored or tinted photographs or enlargements having a photographic base, through use of the "draw," "lucky" envelopes, special discount checks blanks, slips, coupons or certificates, or any other device, plan or scheme, or special advertising offer, that any customer would thereby obtain a financial advantage or be entitled to receive any picture free, or a substantial discount, or reduction in the price of any picture, etc., prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Portrait & Frame Company et al., Docket 2549, March 11, 1939]

Sec. 3.69 (c) (5) Misrepresenting oneself and goods-Prices-Usual as reduced: SEC. 3.72 (n) Offering deceptive inducements to purchase—Special offers. Representing, in connection with advertising, offer, sale and distribution, in commerce, of colored or tinted photographs or enlargements having a photographic base, as the customary and regular prices or valued for such pictures, prices and values which are in fact fictitious and greatly in excess of the prices at which said pictures are regularly and customarily sold, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order. Consolidated Portrait & Frame Company et al., Docket 2549, March 11, 19391

Sec. 3.81 Securing signature wrongfully. Representing, in connection with advertising, offer, sale and distribution, in commerce, of colored or tinted photographs or enlargements having a photographic base, and frames therefor, by

other than contracts for the purchase of a picture or pictures, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Portrait & Frame Company et al., Docket 2549, March 11, 1939]

SEC. 3.69 (b) (8) Misrepresenting oneself and goods-Goods-Nature: Sec. 3.69 (b) (17) Misrepresenting oneself and goods-Goods-Value. Using, in connection with advertising, offer, sale and distribution, in commerce, of colored or tinted photographs or enlargements having a photographic base, and frames therefore, by respondent Paul Broyle, trading as DeLuxe Art Studio, his agents, etc., term "gold leaf," or any other term of similar import and meaning, to designate or describe frames finished in burnished bronze or materials other than "gold leaf," prohibited. (Sec. 5, 38 Stat., 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. TV, sec. 45b) [Cease and desist order, Consolidated Portrait & Frame Company et al., Docket 2549, March 11, 1939]

Sec. 3.69 (a) (4) Misrepresenting oneself and goods-Business status, advantages or connections-Dealer as manufacturer: Sec. 3.69 (a) (7.2) Misrepresenting oneself and goods-Business status, advantages or connections-Individual or private business as professional person or association: Sec. 3.69 (a) (15) Misrepresenting oneself and goods— Business status, advantages or connections-Trade names: Sec. 3.96 (b) (2 b) Using misleading name-Vendor-Individual or private business as professional person or association: Sec. 3.96 (b) (5) Using misleading name-Vendor-Producer or laboratory status of dealer. Representing, in connection with advertising, offer, sale and distribution, in commerce, of colored or tinted photographs or enlargements having a photographic base, and frames therefor, by respondent, Paul Broyle, trading as De-Luxe Art Studio, his agents, etc., by use of a trade name containing term "Art Studio," or by use of any other name, or through any other means or device, that said respondent owns, maintains or operates a studio in which pictures are made by artists, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Portrait & Frame Company et al., Docket 2549, March 11, 1939]

Sec. 3.69 (b) (13) Misrepresenting oneself and goods-Goods-Quality: Sec. 3.69 (b) (16) Misrepresenting oneself and goods-Goods-Source or origin-Place: Sec. 3.69 (b) (17) Misrepresenting oneself and goods-Goods-Value. Representing, in connection with advertising, offer, sale and distribution, in commerce, of colored or tinted photographs or enlargements having a photographic base, and frames therefor, by respondent, Paul Broyle, trading as respondent Paul Broyle, trading as 11 F. R. 1424.

order blanks signed by purchasers are the domestic glass used in said frames is imported glass, or is superior in quality and value to its actual quality and value, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Portrait & Frame Company et al., Docket 2549, March 11, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF CONSOLIDATED POR-TRAIT & FRAME COMPANY, A CORPORA-TION, AND PAUL BROYLE, TRADING AS DE-LUXE ART STUDIO, AND DANIEL F. ORANGE AND CHARLES C. ORANGE, INDIVIDUALS

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents thereto, testimony and other evidence in support of the allegations of said complaint and in opposition thereto, taken before John L. Hornor and Robert S. Hall, examiners of the Commission theretofore duly designated by it, briefs filed herein, and oral arguments by George Foulkes, counsel for the Commission, and John Nash and James O'Connor Roberts, attorneys for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Consolidated Portrait & Frame Company, a corporation, and its officers, Daniel F. Orange and Charles C. Orange, individually and as officers of Consolidated Portrait & Frame Company, and Paul Broyle, an individual trading as Deluxe Art Studio, and their respective representatives, salesmen and employees, directly or through any corporate or other device. in connection with the advertising, offering for sale, and sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of colored or tinted photographs or enlargements having a photographic base, do forthwith cease and desist from:

- 1. Representing directly or in any other manner that colored or tinted photographs or photographic enlargements are paintings or "finely finished paintings";
- 2. Using the term, "painting" either alone or in conjunction with any other terms or words in any way to designate, describe, or refer to colored or tinted

photographs, or photographic enlargements or other pictures produced from a photographic base or impression;

- 3. Representing that respondents, or any of them, are conducting a special campaign or advertising campaign in any particular place or locality for the purpose of obtaining customers who will exhibit their pictures, or for any other purpose, unless such campaign is in fact then being conducted in such locality for such purposes:
- 4. Representing, through use of the "draw" or through the use of "lucky" envelopes, special discount checks, blanks, slips, coupons, or certificates, or through the use of any other device, plan, or scheme, or special advertising offer, that any customer would thereby obtain a financial advantage or be entitled to receive any picture free or receive a substantial discount, or reduction in the price of any picture or pictures;

5. Representing as the customary and regular prices or values for such pictures, prices and values which are in fact fictitious and greatly in excess of the prices at which said pictures are regularly and customarily sold.

It is further ordered, That respondent, Paul Broyle, trading as Deluxe Art Studio. his servants, agents and salesmen, in connection with the advertising, offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of colored or tinted photographs or enlargements having a photographic base, and frames therefor, do forthwith cease and desist

- 1. Representing that order blanks signed by purchasers are other than contracts for the purchase of a picture or pictures:
- 2. Using the term "gold leaf" or any other term of similar import and meaning to designate or describe frames finished in burnished bronze or materials other than "gold leaf";
- 3. Representing, by use of a trade name containing the term "Art Studio." or by use of any other name, or through any other means or device, that respondent, Paul Broyle, owns, maintains or operates a studio in which pictures are made by artists:
- 4. Representing that the domestic glass used in said frames is imported glass, or is superior in quality and value to its actual quality and value.

It is further ordered, That the respondents shall, within sixty (60) days from service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-951; Filed, March 22, 1939; 9:10 a. m.]

[Docket No. 3198]

IN THE MATTER OF ROGERS REDEMPTION BUREAU, ETC.

SEC. 3.69 (a) (3 a) Misrepresenting oneself and goods-Business status, advantages or connections - Connections and arrangements with other business: Sec. 3.69 (c 10) Misrepresenting oneself and goods-Promotional sales plans: Sec. 3.96 (b) (1.0 a) Using misleading name - Vendor - Connections and arrangements with others: Sec. 3.96 (b) (2) Using misleading name-Vendor-Identity. Representing, in connection with offer, etc., in commerce, of silverware or sales promotional plans including premium certificates, gift cards or coupons, redeemable in silverware or other articles of merchandise, through use of the word "Rogers," either alone or in connection with any other word or words, in a corporate or trade name, or through statements in advertising, or in any other manner, that respondent has an interest in, forms a part of, or has any connection with Oneida, Ltd., manufacturer of Wm. A. Rogers silverware, prohibited, subject to provision, however, that such order shall not be construed to prohibit the respondent from dealing in Wm. A. Rogers silverware. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Rogers Redemption Bureau, etc., Docket 3198, March 1, 19397

Sec. 3.69 (b) (16 b) Misrepresenting oneself and goods-Goods-Terms and conditions: Sec. 3.69 (c 10) Misrepresenting oneself and goods—Promotional sales plans: Sec. 3.72 (n 1) Offering deceptive inducements to purchase-Terms and conditions. Representing, in connection with offer, etc., in commerce, of silverware or sales promotional plans including premium certificates, gift cards or coupons, redeemable in silverware or other articles of merchandise, that certificates, gift cards, or other similar device can be redeemed in silverware or other merchandise unless and until all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer and there is no deception as to the services or other actions to be performed or the price to be paid in connection with obtaining such silverware or other articles of merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Rogers Redemption Bureau, etc., Docket 3198, March 1, 19391

SEC. 3.69 (b) (15) Misrepresenting oneself and goods-Goods-Refunds: SEC. 3.69 (b) (16 b) Misrepresenting oneself and goods-Goods-Terms and conditions: SEC. 3.69 (b) (16 c) Misrepresenting oneself and goods-Goods-Undertakings, in general: SEC. 3.69 (c 10) Mis-

tional sales plans: Sec. 3.72 (k 3) Offering deceptive inducements to purchase-Returns and reimbursements: Sec. 3.72 (n 1) Offering deceptive inducements to purchase-Terms and conditions: Sic. 3.72 (p) Offering deceptive inducements to purchase-Undertakings, in general. Representing, in connection with offer. etc., in commerce, of silverware or sales promotional plans including premium certificates, gift cards or coupons, redeemable in silverware or other articles of merchandise, that the purchase price for said certificates or gift cards will be refunded to the dealer purchasers thereof or that the respondent will supply to such dealer purchasers, without charge, display sets of silverware, to become the property of such dealers, prohibited, unless and until such are the facts and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed by the dealer purchasers in connection with obtaining such refund and display set of silverware. (Sec. 5, 38 Stat. 719. as amended by Sec. 3, 52 Stat. 112; 15 U.S. C., Supp. IV, sec. 45b) [Cease and desist order, Rogers Redemption Bureau. etc., Docket 3198, March 1, 1939]

SEC. 3.69 (b) (16 c) Misrepresenting oneself and goods - Goods - Undertakings, in general: SEC. 3.69 (c 10) Misrepresenting oneself and goods-Promotional sales plans: Sec. 3.72 (p) Offering deceptive inducements to purchase-Undertakings, in general. Representing, in connection with offer, etc., in commerce, of silverware or sales promotional plans including premium certificates, gift cards or coupons, redeemable in silverware or other articles of merchandise, that a complete set of silverware, or any specific item of silverware, can be acquired through the redemption of such certificates, gift cards or similar devices, unless and until such is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Rogers Redemption Bureau, etc., Docket 3198, March 1, 1939]

SEC. 3.69 (b) (16 b) Misrepresenting oneself and goods-Goods-Terms and conditions: SEC. 3.69 (c 10) Misrepresenting oneself and goods-Promotional sales plans: SEc. 3.72 (n 1) Offering deceptive inducements to purchase—Terms and conditions. Using, in connection with offer, etc., in commerce, of silverware or sales promotional plans including premium certificates, gift cards or coupons, redeemable in silverware or other articles of merchandise, any representations with respect to the number of certificates or gift cards required to be redeemed in order to obtain any specific merchandise, which representations do not clearly and accurately disclose the representing oneself and goods—Promo-Inumber of such certificates or gift cards actually required to obtain such mer-chandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Rogers Redemption Bureau, etc., Docket 3198, March 1, 1939]

United States of America-Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of March, A. D. 1939.

Commissioners: Robert E. Freer, Chairman: Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A.

IN THE MATTER OF MATTHEW A. WILLIS, TRADING AS ROGERS REDEMPTION BU-REAU AND THE THOMPSON POTTERY COM-PANY, ADVERTISING DEPARTMENT

ORDER TO CEASE AND DESIST

This proceeding having been heard1 by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by William L. Pencke, counsel for the Commission, and by Marvin Farrington, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Matthew A. Willis, trading as Rogers Redemption Bureau, or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of silverware or sales promotional plans, including premium certificates, gift cards or coupons, redeemable in silverware or other articles of merchandise, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

- 1. Representing, through use of the word "Rogers," either alone or in connection with any other word or words, in a corporate or trade name, or through statements in advertising, or in any other manner, that respondent has an interest in, forms a part of, or has any connection with Oneida, Ltd., manufacturer of Wm. A. Rogers silverware; provided, however, that this order shall not be construed to prohibit the respondent from dealing in Wm. A. Rogers silverware;
- 2. Representing that certificates, gift cards, or other similar device can be redeemed in silverware or other merchan-

- 3. Representing that the purchase price for said certificates or gift cards will be refunded to the dealer purchasers thereof or that the respondent will supply to such dealer purchasers without charge display sets of silverware, to become the property of such dealers, unless and until such are the facts and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed by the dealer purchasers in connection with obtaining such refund and display set of silverware;
- 4. Representing that a complete set of silverware or any specific item of silverware can be acquired through the redemption of such certificates, gift cards or similar devices unless and until such is the fact.
- 5. Using any representations with respect to the number of certificates or gift cards required to be redeemed in order to obtain any specific merchandise, which representations do not clearly and accurately disclose the number of such certificates or gift cards actually required to obtain such merchandise.

It is further ordered, That the respondent shall, within sixty days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this

By the Commission.

[SEAL]

OTIS B. JOHNSON. Secretary.

[F. R. Doc. 39-952; Filed, March 22, 1939; 9:10 a. m.]

[Docket No. 3681]

IN THE MATTER OF ASSOCIATED ARTS, ETC.

Sec. 3.69 (b) (8) Misrepresenting oneself and goods-Goods-Nature. Representing, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, directly or in any manner, that colored or tinted pictures, photographs, or photographic enlargements are portraits or paintings, or are "hand-painted por-traits," "colura portraits," or "polychrome portraits," or using the terms sources, or unless a standard design is fur-"painting" or "portrait," either alone or nished, prohibited. (Sec. 5, 38 Stat. 719,

dise unless and until all of the terms | painted," "colura," "polychrome" or any other terms or words in any way to designate, describe or refer to colored or tinted pictures, photographs, or photographic enlargements or other pictures produced from a photographic base or impression, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Associated Arts, etc., Docket 3681, March 8, 1939]

SEC. 3.69 (b) 1 (a) Misrepresenting oneself and goods—Goods—Conditions of manufacture. Misrepresenting, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, that any specifled sum is the actual cost of materials in a picture, or the "cost of production," or a "special advertising price" or a "reduced price" or a "special producing price," or otherwise misrepresenting the actual cost of either material or production, or both, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Associated Arts, etc., Docket 3681, March 8, 1939]

Sec. 3.81 Securing signature wrongfully. Representing, in connection with offer, etc., in commerce, or colored or tinted photographs or enlargements having a photographic base, and of frames therefor, by the use of the word "certificate" or any other word or words, that the order blank or form used in the solicitation of orders is anything other than a contract form for the purchase of a picture or pictures, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Associated Arts, etc., Docket 3681, March 8, 1939]

Sec. 3.69 (b) 15 (b) Misrepresenting oneself and goods—Goods—Sample or order conformance: Sec. 3.72 (ma) Offering deceptive inducements to purchase - Sample conformance. Representing, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, that a picture similar to sample displayed will be delivered, unless in fact the picture delivered is of the same kind, quality, design and workmanship, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Assoclated Arts, etc., Docket 3681, March 8. 19391

Sec. 3.69 (b) (12) Misrepresenting oneself and goods—Goods—Qualities or properties. Representing, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, that frames can be purchased elsewhere, unless the odd design used can in fact be purchased from other in conjunction with the words "hand- as amended by Sec. 3, 52 Stat. 112; 15

and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer and there is no deception as to the services or other actions to be performed or the price to be paid in connection with obtaining such silverware or other articles of merchandise:

¹² F.R. 2847 (3295 DI).

No. 56-2

desist order, Associated Arts, etc., Docket | ciation or academy of artists or similar 3681. March 8, 1939]

SEC. 3.69 (b) 8 (a) Misrepresenting oneself and goods-Goods-Non-standard character: SEC. 3.69 (b) (12) Misrepresenting oneself and goods-Goods-Qualities or properties. Concealing from, or failing to disclose to, customers, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, that the finished picture, when delivered, will be so shaped and designed that it can only be used in a specially designed odd style of frame which can be procured only from the respondent, and generally at prices equal to, or in excess of, the prices already charged for pictures, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Associated Arts, etc., Docket 3681, March 8, 19391

Sec. 3.69 (c) (5) Misrepresenting oneself and goods-Prices-Usual as reduced: Sec. 3.72 (n) Offering deceptive inducements to purchase-Special offers. Representing, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, as the customary or regular prices or values for such pictures and frames, prices and values which are in fact fictitious and greatly in excess of the prices at which said pictures and frames are regularly and customarily offered for sale and sold in the normal and usual course of business, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Associated Arts, etc., Docket 3681, March 8, 1939]

Sec. 3.69 (a) 3 (a) Misrepresenting oneself and goods-Business status, advantages or connections - Connections and arrangements with other business: SEC. 3.69 (a) (7.2) Misrepresenting oneself and goods-Business status, advantages or connections-Individual or private business as professional person or association: Sec. 3.69 (a) (15) Misrepresenting oneself and goods - Business status, advantages or connections—Trade names: SEC. 3.96 (b) (1.0a) Using misleading name—Vendor—Connections and arrangements with other business: SEC. 3.96 (b) 2 (b) Using misleading name-Vendor-Individual or private business as professional person or association. Representing, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, by the use of the trade names Blackstone Academy of Fine Arts, Van Dyke Art Association, Sterling Art Association, or any other fictitious trade name of similar import, that respondent is an artist or conducts an art association or 3681, March 8, 19391

U. S. C., Supp. IV, sec. 45b) [Cease and academy, or is connected with an assogroups or organizations, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b), [Cease and desist order, Associated Arts, etc., Docket 3681, March 8, 19391

> SEC. 3.69 (a) 3 (a) Misrepresenting oneself and goods-Business status, advantages or connections—Connections and arrangements with other business: Sec. 3.69 (a) (15) Misrepresenting oneself and goods-Business status, advantages or connections-Trade names: SEC. 3.96 (b) (1.0a) Using misleading name-Vendor-Connections and arrangements with other business. Representing, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, by the use of the name and symbol of the National Portrait Association or other non-existent or dormant association or organization, that respondent is a member of, or sponsored by, a nationally recognized association of portrait painters, when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Associated Arts, etc., Docket 3681, March 8, 1939]

SEC. 3.69 (a) (7.2) Misrepresenting oneself and goods—Business status, advantages or connections-Individual or private business as professional person or association: SEC. 3.69 (a) (11) Misrepresenting oneself and goods-Business status, advantages or connections-Personnel. Representing, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, that respondent gives work to unemployed artists or employs artists or that he has commercialized the talents of any of America's foremost portrait artists, when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Associated Arts, etc., Docket 3681, March 8, 1939]

SEC. 3.24 (b) (2) Coercing and intimidating-Customers-To purchase product or service-By withholding customer's property or rights. Using, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, any coercive or oppressive acts, practices or representations in the sale of pictures or the frames therefor, including retention of the original photograph submitted by the customer, or the completed picture, or both, until a frame is purchased from him, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Associated Arts, etc., Docket United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of March, A. D. 1939.

Commissioners: Robert E. Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF GEORGE H. LEWIS, AN INDIVIDUAL, TRADING AS ASSOCIATED ARTS, BLACKSTONE ACADEMY OF FINE ARTS, VAN DYKE ART ASSOCIATION, AND STERLING ART ASSOCIATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent George H. Lewis, an individual trading under the name and style of Associated Arts, Blackstone Academy of Fine Arts, Van Dyke Art Association and Sterling Art Association, or trading under any other name, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce as commerce is defined in the Federal Trade Commission Act, of colored or tinted photographs or enlargements having a photographic base, and of frames therefor, do forthwith cease and desist from:

- 1. Representing, directly or in any manner, that colored or tinted pictures, photographs, or photographic enlargements are portraits or paintings, or are "hand-painted portraits," "colura portraits," or "polychrome portraits"
- 2. Using the terms "painting" or "portrait," either alone or in conjunction with the words, "hand-painted," "colura," "polychrome" or any other terms or words in any way to designate, describe or refer to colored or tinted pictures, photographs, or photographic enlargements or other pictures produced from a photographic base or impression;
- 3. Misrepresenting that any specified sum is the actual cost of materials in a picture, or the "cost of production," or a "special advertising price" or a "ro-duced price" or a "special producing price," or otherwise misrepresenting the actual cost of either materials or production, or both;
- 4. Representing, by the use of the word "certificate" or any other word or words that the order blank or form

used by him in the solicitation of orders l is anything other than a contract form for the purchase of a picture or pictures.

- 5. Representing that a picture similar to sample displayed will be delivered. unless in fact the picture delivered is of the same kind, quality, design and workmanship;
- purchased elsewhere unless the odd design used can in fact be purchased from other sources, or unless a standard design is furnished;
- 7. Concealing from or failing to disclose to customers that the finished picture when delivered will be so shaped and designed that it can only be used in a specially designed odd style of frame which can be procured only from the respondent, and generally at prices equal to, or in excess of the prices already charged for pictures;
- 8. Representing as the customary or regular prices or values for such pictures and frames, prices and values which are in fact fictitious and greatly in excess of the prices at which said pictures and frames are regularly and customarily offered for sale and sold in the normal and usual course of business.
- 9. Representing, by the use of the trade names Blackstone Academy of Fine Arts, Van Dyke Art Association. Sterling Art Association, or any other fictitious trade name of similar import, that respondent is an artist or conducts an art association or academy, or is connected with an association or academy of artists or similar groups or organizations.
- 10. Representing, by the use of the name and symbol of the National Portrait Association or other non-existent or dormant association or organization. that respondent is a member of, or sponsored by, a nationally recognized association of portrait painters, when such is not the fact.
- 11. Representing that respondent gives work to unemployed artists or employs artists or that he has commercialized the talents of any of America's foremost portrait artists, when such is . not the fact.
 - 12. Using any coercive or oppressive acts, practices or representations in the sale of pictures or the frames therefor, including retention of the original photograph submitted by the customer or the completed picture or both, until a frame is purchased from him.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-953; Filed, March 22, 1939; 9:10 a. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T.D.49831]

COUNTERVAILING DUTIES ON IMPORTS FROM GERMANY

6. Representing that frames can be NOTICE OF COUNTERVAILING DUTIES TO BE IMPOSED BY REASON OF THE PAYMENT OR BESTOWAL OF A BOUNTY OR GRANT UPON THE EXPORTATION OF CERTAIN GOODS FROM GERMANY

> Collectors of Customs Instructed to Suspend Liquidation of Entries Covering Dutiable Imports From Germany and To Collect Estimated Additional Duties in Certain Cases

> To Collectors of Customs and Others Concerned:

> The Bureau is in receipt of information concerning the operation of so-called "barter" transactions through which the importation into the United States of merchandise from Germany is financed by means of premium prices for certain products, particularly cotton and copper, which satisfies the Bureau that such transactions involve the payment or bestowal of bountles or grants within the meaning of section 303 of the Tariff Act of 1930 (U.S. C. title 19, sec. 1303).

> Accordingly, notice is hereby given that dutiable merchandise imported directly or indirectly from Germany, which has been or shall be acquired by or through the disposal of other goods on a premium basis (regardless of the character of such other goods or of the method or means of such disposal), if entered for consumption or withdrawn from warehouse for consumption after the expiration of thirty days after the publication of this decision in a weekly issue of Treasury Decisions, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed upon its exportation from Ger-

> Upon the entry for consumption or withdrawal from warehouse for consumption, on or after the effective date of this notice, of dutiable merchandise imported directly or indirectly from Germany, there shall be collected in addition to any other duties estimated or determined to be due, estimated countervailing duties at the rate of 25 per centum of the invoice value. The liquidation of entries covering such merchandise shall be suspended and the facts concerning the manner of payment for the goods shall be reported promptly and in full to the Bureau.

> > JAMES H. MOYLE, Commissioner of Customs.

Approved: March 18, 1939. HENRY MORGENTHAU, Jr. Secretary of the Treasury.

[F. B. Doc. 39-962; Filed, March 22, 1939; 11:54 a. m.]

[T. D. 49822]

OCCUPIED CZECHOSLOVAK PRODUCTS OF AREAS

INSTRUCTIONS REGARDING CUSTOMS TREAT-MERIT OF PRODUCTS EXPORTED FROM CZECHOSLOVAK AREAS UNDER GERMAN AND HUNGARIAN OCCUPATION

MARCH 20, 1939.

To Collectors of Customs and Others Concerned:

There are published below copies of telegrams dispatched to collectors of customs on March 17, and March 18, 1939, which are self-explanatory.

JAMES H. MOYLE, [SEAL] Commissioner of Customs.

MARCH 17, 1939.

The State Department having today advised Treasury Department that in. view of the recent military occupation. of the Provinces of Bohemia, Moraviaand Slovakia of Czechoslovakia by German armed forces and the assumption, of control over these areas by German authorities, the State Department, while not recognizing any legal basis for the assumption of so-called protection overthis territory, is constrained by force of the foregoing circumstances to regard' the abovementioned Provinces as now being under the de facto administration, of the German authorities, products of areas mentioned exported from any country on or after March 18, 1939, shall be regarded as products of Germany for the purposes of the marking provisions of the Tariff Act of 1930 and for determining applicable rates of duty. Give importers all possible notice. Apply provisions article 822 (e) Customs Regulations 1937 in determining dates of exportation.

(Signed) Moyle.

MARCH 18, 1939.

State Department having today advised Treasury Department that in view of the recent military occupation of the Province of Ruthenia (Carpatho-Ukraine) by Hungarian military forces and the assumption of control over these areas by the Hungarian authorities, the State Department, while not recognizing any legal basis for the changed status of Ruthenia. is obliged by existing circumstances to consider that that part of the Czechoslovak Republic is now under the de facto administration of the Hungarian. authorities, products of the area mentioned exported from any country on or after March 19, 1939, shall be regarded as products of Hungary for the purposes of the marking provisions of the Tariff Act of 1930 and for determining applicable rates of duty. Give importers all possible notice. Apply provisions article 822 (e) Customs Regulations 1937 in determining dates exportation.

(Signed) W. R. Johnson, Acting Commissioner Customs.

[F. R. Doc. 39-863; Filed, March 22, 1939; 11:54 a.m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administra-

[Docket No. A-98 O-98]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND MARKETING AGREE-MENT AND ORDER NO. 32 REGULATING HANDLING OF MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

Whereas, acting pursuant to the provisions of sections 8b and 8c of Title I of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the Secretary, executed a marketing agreement regulating the handling of milk in the Fort Wayne, Indiana, marketing area effective February 1, 1937, and issued an order regulating the handling of milk in said area effective October 15, 1938;1 and

Whereas, the Secretary has reason to believe that an amendment of said marketing agreement and of said order will tend to effectuate the declared policy of Public Act No. 10. 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; and

Whereas, under the aforesaid act notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice of and opportunity for hearing upon amendments to marketing agreements and orders;

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on a proposal to amend the marketing agreement and the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area, at 2:00 p.m., c. s. t., March 28, 1939, in Room 311, State House, Indianapolis, Indiana.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) reducing the price for Class I milk from \$2.15 to \$1.85 per hundredweight; (2) making changes in the wording of said marketing agreement and said order for the purpose of affording more effective administration thereof; and (3) changing any other provisions of said marketing agreement and said order.

Copies of the proposed amendments to said marketing agreement and to said order may be procured from the Hearing Clerk, Office of the Solicitor, Room 0310, South Building, United States De[SEAL]

H. A. WALLACE, Secretary of Agriculture.

Dated, March 21, 1939.

[F. R. Doc. 39-966; Filed, March 22, 1939; 12:02 p. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

NOTICE OF MEETING OF EXECUTIVE COM-MITTEE OF BOARD OF SUPERVISING IN-SPECTORS

MARCH 20, 1939.

Pursuant to authority conferred by Section 4405, R. S., I hereby call a meeting of an executive committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector, Second District; and Chester W. Willett, Supervising Inspector, Sixth District; to take place in the office of the Supervising Inspector, Second District, 45 Broadway, New York City, beginning at 9:00 A. M., Wednesday, March 29, 1939, for the purpose of considering approvals of equipment and for the transaction of such other business as may come before the meeting.

[SEAL] J. M. JOHNSON, Acting Secretary of Commerce.

[F. R. Doc. 39-947; Filed, March 21, 1939; 4:22 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 17th day of March, A. D. 1939.

Commissioners: Robert E. Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21-316]

IN THE MATTER OF PROPOSED TRADE PRAC-TICE RULES FOR THE WINE INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its trade practice conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and Act, as amended, and it appearing to all persons, partnerships, corporations, the Commission that a proceeding by

partment of Agriculture, Washington, | fected by or having an interest in the proposed trade practice rules for the Wine Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than April 11, 1939. Opportunity for oral hearing and presentation will be afforded at 10 a.m., April 11, 1939, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission,

[SEAL]

OTIS B. JOHNSON, Secretary,

[F. R. Doc. 39-954; Filed, March 22, 1939; 9:11 a. m.]

United States of America—Before Federal Trade Commission

[Docket No. 3739]

IN THE MATTER OF SAN PEDRO FISH EX-CHANGE, AN UNINCORPORATED ASSOCIA-TION, AND ITS OFFICERS, AGENTS, REP-RESENTATIVES AND MEMBERS: SEAFOOD BROKERAGE, INC., A CORPORATION, AND ITS OFFICERS, DIRECTORS AND STOCK-SOUTHERN CALIFORNIA HOLDERS: WHOLESALE FISH DEALERS ASSOCIATION, AN UNINCORPORATED ASSOCIATION, AND Its Officers, Agents, Representa-TIVES AND MEMBERS; LOS ANGELES FISH EXCHANGE, A CORPORATION; M. N. BLUMENTHAL: SOUTHERN SEA PRODUCTS BROKERAGE CORPORATION, A CORPORA-TION, AND ITS OFFICERS, DIRECTORS AND STOCKHOLDERS

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and pursuant to the provisions of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (U. S. C., Title 15, Section 13, the Clayton Act), as amended, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that respondents named herein, and each of them, have violated the provisions of said Federal Trade Commission Act and of subsection (a) of Section 2 of said Clayton associations, groups or other parties af-1 it in respect thereof would be in the

D. C., or may be there inspected.

¹3 F. R. 2464 DI.

public interest, hereby issues its complaint, stating its charges in those respects as follows:

Charge I

Paragraph 1. Respondent San Pedro Fish Exchange, is an unincorporated association organized under the laws of the State of California, with its principal office and place of business at the Municipal Wharf, Los Angeles Harbor, San Pedro, California.

The officers of said San Pedro Fish Exchange are, or have been, respondents Anthony B. Jaconi, president, Giosue Di Massa, vice-president, and Albert H. Finch, secretary, all of the Municipal Wharf, San Pedro, California. Respondent Hugh Reves is, and has been, the manager of said respondent Seafood Brokerage, Inc., and as such manager has been in immediate charge of its business.

The members of said Exchange are distributors or wholesale fish dealers engaged in purchasing, selling and distributing fish and sea products from their respective places of business on the Municipal Wharf in San Pedro, California, Among the members of said San Pedro Fish Exchange are the following respondents:

American Fisheries, Inc., a corporation.

Star Fisheries, Inc., a corporation. Mutual Fish Company, Ltd., a corpora-

tion.
Seiichi Nakahara, trading as Pacific
Coast Fish Company.

Gennaro Mineghino, trading as Independent Fish Company.

Vincent DiMeglio, trading as Ocean Fish Company.

Standard Fisheries Company, a copartnership, consisting of John Iyancich, John Sulentor, and Andrew Fishtonich.

Central Fish Company, a copartnership, consisting of Yoshitsura Kamiya, Leo T. Toyama, and Y. Uyeda.

Tomich Brothers Fish Company, a copartnership, consisting of Peter Tomich and Frank Tomich,

Catalina Fish Company, a copartnership, consisting of Vincent Vitalich and George Stanovich.

Harbor Seafood Company, a copartnership, consisting of Andrew Petrasich, Martin Zuanich and Joe Evich.

State Fish Company, a copartnership, consisting of Gerald Cigliano and Jack Delucca.

Los Angeles Fish and Oyster Company, a copartnership, consisting of Giosue Di Massa, John DiMeglio and Frank Glynn,

Zankich Brothers Fish Company, a copartnership, consisting of Jerry Zankich and Vincent Zankich.

Pioneer Fisheries, a copartnership, consisting of Anthony B. Jaconi and Paul A. Marencovich.

Par. 2. Respondent Seafood Brokerlage, Inc., is a corporation organized and doing business under the laws of the State of California, with its principal office and place of business located at respondents:

the Municipal Wharf in San Pedro, California. This respondent is engaged in acting as purchasing agent and broker for the members of the respondent San Pedro Fish Exchange enumerated in Paragraph One above. All of the outstanding stock of Seafood Brokerage, Inc., is held and owned by said respondent members of San Pedro Fish Exchange, or by representatives of said members, and collectively they own and control said respondent Seafood Brokerage, Inc.

The officers of respondent Seafood Brokerage, Inc. are, or have been, respondents John Ivancich, president, Giosue Di Massa, vice-president and Yoshitsura Kamiya, secretary-treasurer; and the stockholders are, or have been, the following respondents:

Arthur W. Ross, who is also president of respondent American Fisheries, Inc.

Peter A. Kuglis, who is also president of respondent Star Fisheries, Inc.

Tokutaro Furukawa, who is also president of respondent Mutual Fish Co., Ltd.

Seiichi Nakahara, who owns and operates the Pacific Coast Fish Company. Gennaro Mineghino, who owns and operates the Independent Fish Co.

Vincent DiMeglio, who owns and operates The Ocean Fish Company.

John Iyancich, who is also a partner in respondent Standard Fisheries Company.

Yoshitsura Kamiya, who is also a partner in respondent Central Fish Company.

Peter Tomich, who is also a partner in respondent Tomich Bros. Fish Company.

Vincent Vitalich, who is also a partner in respondent Catalina Fish Company.

Andrew Petrasich, who is also a partner in respondent Harbor Scafood Company.

Gerald Cigliano, who is also a partner in respondent State Fish Company.

Giosue Di Massa, who is also a partner in respondent Los Angeles Fish and Oyster Company.

Jerry Zankich, who is also a partner in respondent Zankich Bros. Fish Company.

Anthony B. Jaconi, who is also a partner in respondent Pioneer Fisheries.

PAR. 3. Respondent Southern California Wholesale Fish Dealers Association is an unincorporated association with its headquarters at 1211 East Olympic Boulevard, Los Angeles, California. Respondent Chas. Rennick is secretary and manager of said association. The members of said association are distributors or wholesale fish dealers engaged in purchasing, selling and distributing fish and seafood products from their respective places of business in Los Angeles, California. Among the members of said Southern California Wholesale Fish Dealers Association are the following respondents:

Superior Seafood Company, Ltd., a corporation, 624 Ceres Ave., Los Angeles. Los Angeles Fish and Oyster Company, Inc., Ltd., a corporation, 1320 Newton St., Los Angeles.

Central Fish and Oyster Company, a corporation, 1217 Birch St., Los Angeles. Western Fish Company, a copartnership, consisting of Stephen Gentry and George Kriste, 514 Gladys Avenue, Los Angeles.

Morris Isenberg, trading as Mermaid Fish and Oyster Company, 1246 East 6th Street, Los Angeles.

National Seafood Company, a copartnership, of which John Di Massa is a partner, 1812 South Central Street, Los Angeles.

Respondent Southern California. Wholesale Fish Dealers Association is a successor to the Los Angeles Wholesale Fish Dealers Association, which was disbanded about April 1, 1937.

PAR. 4. Respondent Los Angeles Fish Exchange is a corporation, organized and existing under the laws of the State of California, with its principal office and place of business located at 914 Bankers Building, Los Angeles, California. This respondent was during 1937 employed as purchasing agent and broker by the members of respondent Southern California Wholesale Fish Dealers Association enumerated in Paragraph Three above and for the members of respondent San Padro Fish Exchange, enumerated in Paragraph One above.

Respondent M. N. Blumenthal, 405 Stanford Avenue, Los Angeles, California, is a broker and in 1937 he was employed by respondent Los Angeles Fish Exchange and by respondent members of said Southern California Wholesale Fish Dealers Association and San Pedro Fish Exchange.

Pan. 5. Respondent, Southern Sea. Products Brokerage Corporation, is a corporation organized and existing under the laws of the State of California. with its principal office and place of business located at 4151/2 South Central Avenue, Los Angeles, California. This respondent is engaged in the business of acting as purchasing agent and broker for respondent members of the Southern California Wholesale Fish Dealers Association, enumerated in Paragraph Three above. The outstanding capital stock of this respondent has been issued to, and is owned by, or is controlled by, said respondent members of the Southern California Wholesale Fish Dealers Association. Respondent Elmo C. Jack is Manager of the Southern Sea Products Brokerage Corporation, and as such manager is in immediate charge of its operations.

The stockholders of said Southern Sea Products Brokerage Corporation are the following respondents:

Max Freeman and Arthur Freeman, 624 Ceres Ave., Los Angeles, Calif., who are also holders of a majority of the stock in respondent Superior Sea Food | has been in actual and potential com-| members in the purchase of such prod-Co., Ltd.

Jack De Luca, 1320 Newton St., Los Angeles, Calif., who is also the sole owner of the stock of respondent Los Angeles Fish and Oyster Co., Ltd.

Louis G. Beverino, 1012 Central Ave., Los Angeles, Calif., who is secretary, treasurer and manager of respondent Central Fish and Oyster Co.

Stephen Gentry and George Kriste, 514 Gladys Ave., Los Angeles, Calif., who compose the partnership of respondent Western Fish Co.

Morris Isenberg, 1246 East 6th St., Los Angeles, Calif., who owns and operates respondent Mermaid Fish and Oyster Co.

John Di Massa, 1812 South Central Ave., Los Angeles, Calif., who is a partner in respondent National Seafood Co.

Guiseppe Alioto, 535 Washington St., San Francisco, California, who is also the president of the San Francisco International Fish Company, which owns one-third of the stock of respondent Central Fish and Oyster Company.

Par. 6. Repondent distributors and wholesale fish dealers, members of said San Pedro Fish Exchange and Southern California Wholesale Fish Dealers Association, purchase their fish and sea products, in the course and conduct of their respective businesses, from producers, shippers and distributors located in various states and foreign countries and cause such fish and sea products to be shipped and transported to their respective headquarters and places of business and/or to their customers, from points in states other than the State of California and from foreign countries and from waters adjacent to the United States and foreign countries. In the course of the sale and distribution of their fish and sea products such respondent members of said San Pedro Fish Exchange and Southern California Wholesale Fish Dealers Association, cause such fish and sea products when sold to be shipped and transported, pursuant to purchase orders, from their headquarters or places of business, or direct from their suppliers, to their customers at points in states other than the State of California or the place of origin of such shipments. There is a continuous flow and current of commerce in fish and sea products from respondent members' suppliers, through respondent members, to dealers and consumers located within and without the State of California. In the course and conduct of their respective business. respondent members are and have been engaged in commerce among the several states and with foreign countries and in trade, business and commerce, directly affecting interstate and foreign commerce in fish and sea products. Except insofar as competition has been restrained, stifled, lessened, suppressed, eliminated or destroyed by the respondent members, as hereinafter alleged. each of said respondent members is and wholesalers competing with respondent said corporations and said individual to

petition with the other respondent members and other dealers in the purchase, sale and distribution of fish and sea products. Respondents Seafood Brokerage, Inc., Los Angeles Fish Exchange, M. N. Blumenthal and Southern Sea Products Brokerage Corporation act, or have acted, as purchasing agents for respondent members, or some of them, and are, or have been, likewise engaged in interstate and foreign commerce in fish and sea products and in providing facilities and performing functions in connection with the flow of such commerce.

Par. 7. The distributors and wholesale fish dealers making up the memberships of respondents San Pedro Fish Exchange and Southern California Wholesale Fish Dealers Association together hold a monopoly on the purchase, sale and distribution of certain varieties of fish and sea products in the trade territory extending inland from San Pedro and Los Angeles, California, through adjacent parts of California and into various states of the United States to the eastward, and together they constitute a group so powerful as to be able to dominate and control the sources of supply and channels of distribution in all fresh fish and sea products in such trade territory.

Par. 8. Respondents are banded and allied together in the aforesaid associations, organizations and corporations to carry into effect the program and policies hereinbelow described and to enhance and promote the volume of trade, business and profits of respondent distributors and wholesale fish dealers; and the respondents, namely the said associations, corporations, partnerships, and individuals, and the officers, members, agents and employees thereof, parties respondent herein, during and in the period of three or more years last past. have agreed, conspired, combined and confederated together and with others. and have united in and pursued a common and concerted course of action and undertaking among themselves and with others, to adopt, follow, carry out, enforce and maintain, in the trade areas above referred to, a program, and certain policies and practices, to wit:

- (1) To establish, fix and maintain the prices at which and conditions upon which fish and sea products were purchased by respondent members and competing dealers from shippers and producers.
- (2) To establish, fix and maintain the prices at which, and the conditions upon which, fish and sea products were sold by respondent members and competing dealers to other dealers and to ciation have acted in concert and agreeconsumers.
- (3) To interfere with and shut off the sources of supply of some varieties of fish and sea products, particularly Mexican Sea Bass, to dealers, distributors and | by exercising such control have caused

ucts and the sale and distribution thereof, or to dealers desiring to so compete.

(4) To acquire and maintain a monopoly in the purchase, sale and distribution of fish and sea products in said trade territory.

(5) To impose said prices and policies on all dealers in fish and sea products in sald trade territory and to require universal observance and adherence thereto.

Par. 9. The parties respondent herein have agreed, combined, confederated and conspired together for the purpose and with the intent of carrying out the aforesaid program and policies, and they have been and are now engaged in carrying into effect and maintaining said program and policies, and the said agreement, combination, confederation, conspiracy and undertaking as set forth in Paragraph Eight hereof. Pursuant to and for the purpose of effecting and carrying out the said program and policies and said agreement, combination, confederation, conspiracy and undertaking, the respondents have, among other things. done the following:

- (a) Mutually pledged and promised to support, adhere to and enforce the foregoing program and policies, alleged in Paragraph Eight above, and entered into contracts and agreements relating thereto.
- (b) Used and continued to use, in concert and agreement among themselves and with others, coercive and concerted action, boycott, threats of boycott and other united action against producers, shippers, wholesalers, distributors, dealers and others to induce and require them, and to attempt so to induce and require them, to agree and conform to and to support and enforce the said program and policies of respondents.
- (c) Held meetings of respondent associations and organizations, their officers and members, to devise means of exerting influence, pressure, coercion or other means of inducing, coercing and requiring shippers, producers, distributors, dealers and others engaged in said fish and sea products trade and industry to abide by and adhere to said program and policies.
- (d) Respondent members of San Pedro Fish Exchange have acted in concert and agreement to control the policies and practices of respondent Seafood Brokerage, Inc., and by exercising such control have caused it to adopt and pursue policies and practices conforming to and in harmony with the program and policies above described.
- (e) Respondent members of Southern California Wholesale Fish Dealers Assoment to control the policies and practices of respondents Los Angeles Fish Exchange, M. N. Blumenthal and Southern Sea Products Brokerage Corporation, and

conforming to and in harmony with the program and policies above described.

(f) Excluded from membership in said respondent associations and organizations distributors and dealers who failed or refused to support, abide by or cooperate in carrying out said program and policies of respondents.

(g) Disciplined certain members and imposed penalties on them for acts in violation of the tenets and requirements of said program and policies.

- (h) Exchanged information between one another concerning the prices and trade policies and practices used by them individually and issued and distributed bulletins, circulars, letters, price lists and other printed matter and distributed the same among the members of said associations and others, announcing the adoption of said policies, practices and requirements and the imposition of the same upon all those affected thereby.
- (i) Used and engaged in other acts, cooperative and concerted action and coercive methods and practices in promoting, establishing and carrying out the foregoing program and agreement, policies, combinations, conspiracy, confederation and undertaking set forth in Paragraph Eight hereof.

PAR. 10. The capacity, tendency and effect of said agreement, combination, conspiracy, confederation and undertaking, and the said acts and practices of respondents, set forth above, are and have been in said trade area and other related or connected territory, frequently comprising more than one state or portions of more than one state, are and have been:

- (a) To tend to monopolize, in said respondents, the business of dealing in and distributing fish and sea products.
- (b) To unreasonably lessen, eliminate, restrain, stifle, hamper and suppress competition in said fish and sea products trade and industry, and to deprive the purchasing and consuming public of advantages in price, service and other consideration which they would receive and enjoy under conditions of normal and unobstructed, or free and fair, competition in said trade and industry; and to otherwise operate as a restraint upon and a detriment to the freedom of fair and legitimate competition in such trade and industry.
- (c) To substantially increase the cost to purchasers of such fish and sea products.
- (d) To oppress, eliminate and discriminate against small business enterprises which are or have been engaged in purchasing, selling and distributing such products.
- (e) To obstruct, hamper and interfere with the normal and natural flow of trade and commerce in fish and sea products in, to and from such trade area; and to injure respondent's competitors in unfairly diverting business and trade from them, depriving them thereof, and ent members of San Pedro Fish Exchange price agreed upon by buyer respondents

adopt and pursue policies and practices otherwise oppressing or driving them out were rendered to said producers, suppliers of business.

(f) To prejudice and injure the public and shippers, producers, dealers, distributors, wholesalers and others who do not conform to respondent's program or who benefit of said purchasers, being redo not desire, but are compelled to conform therewith.

PAR. 11. The acts and practices of the respondents as herein alleged are all to the prejudice of the public; have a dangerous tendency to and have actually hindered and prevented price competition between and among respondents in the sale of fish and sea products in commerce within the intent and meaning of the Federal Trade Commission Act; have placed in respondents the power to control and enhance prices; have created in the respondents a monopoly in the sale of fish and sea products in such commerce; have unreasonably restrained such commerce in fish and sea products, and constitute unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act.

Charge II

PARAGRAPH 1. The pertinent allegations of Charge I hereof are hereby incorporated herein as though fully set forth verbatim.

PAR. 2. Respondent members of the respondent San Pedro Fish Exchange, in the ordinary course and conduct of their respective businesses, purchase fish and sea products from various producers, suppliers and shippers, directly, or through the agency of respondent Seafood Brokerage, Inc., or through respondent Seafood Brokerage, Inc., as intermediary, upon orders placed by said respondent members with said Seafood Brokerage, Inc.; and as a result of such purchases or orders respondent members, and each of them, cause such producers, suppliers and shippers to ship or transport fish and sea products from the places of origin thereof outside of the State of California into said state.

PAR. 3. In the course of said purchasing transactions above referred to, resulting in the delivery of fish and sea products from one or more of said producers. suppliers or shippers to said respondent members by means of the purchasing services of respondent Seafood Brokerage, Inc., or without such services, respondent members of said San Pedro Fish Exchange have and do cause and require said producers, suppliers and shippers, and each them, to transmit, pay to and deliver to respondent Scafood Brokerage, Inc. a so-called brokerage fee or commission, being a certain percentage of the purchase price agreed upon by buyer respondents and the seller. In the course of such purchasing transactions, respondent Seafood Brokerage, Inc. has received and accepted, and is receiving and accepting, such fees and commissions for which no services connected with such purchases of said products by respond-

or shippers, and the said Seafood Brokerage, Inc. has and does receive and accept such so-called brokerage fees and commissions as agent for and for the use and spondent members of San Pedro Fish Exchange, or one or more of them. In receiving and accepting said so-called brokerage fees and commissions, and at all times in the conduct of its business respondent Seafood Brokerage, Inc. is the representative or purported representative of respondent members of San Pedro Fish Exchange and acts for them and in their behalf and is under their control.

PAR. 4. The receipt and acceptance of such so-called brokerage fees and commissions by respondent Seafood Brokerage, Inc., for the use and benefit of respondent members of San-Pedro Fish Exchange, in the manner and under the circumstances hereinabove set forth. and the plan and policy of said respondent members and said Seafood Brokerage, Inc. of exacting such fees and commissions from the sellers of said products is in violation of subsection c of Section 2 of said Clayton Act, as amended.

Charge III

PARAGRAPH 1. The pertinent allegations of Charge I hereof are hereby incorporated herein as though fully set forth verbatim.

Par. 2. During part of the year 1937. respondent members of respondents Southern California Wholesale Fish Dealers Association and San Pedro Fish Exchange, in the course and conduct of their respective businesses, purchased fish and sea products from various producers, suppliers and shippers, directly, or through the agency of respondents Los Angeles Fish Exchange and M. N. Blumenthal, upon orders placed by said respondent members with said Los Angeles Fish Exchange and M. N. Blumenthal; and as a result of such purchases and orders respondent members. and each of them, caused such producers, suppliers and shippers to ship or transport fish and sea products from the places of origin thereof outside of the State of California into said state.

Par. 3. In the course of said purchasing transactions above referred to, resulting in the delivery of fish and sea products from one or more of said producers, suppliers or shippers to said respondent members, by means of the purchasing services of respondents Los Angeles Fish Exchange and M. N. Blumenthal, or without such services, respondent members of Southern California Wholesale Fish Dealers Association and San Pedro Fish Exchange, caused and required said producers, suppliers and shippers to transmit, pay to and deliver to respondent Los Angeles Fish Exchange and M. N. Blumenthal, a socalled brokerage fee or commission, being a certain percentage of the purchase

and the seller. In the course of such do cause and require said producers, purchasing transactions respondents Los Angeles Fish Exchange and M. N. Blumenthal received and accepted such fees and commissions for which no services connected with the purchase of such products by said respondent members were rendered to said producers, shippers or suppliers, and the said Los Angeles Fish Exchange and M. N. Blumenthal received and accepted such so-called brokerage fees and commissions as agent for and for the use and benefit of said purchasers, being said respondent members above referred to, or one or more of them. In receiving and accepting said fees and commissions, respondent Los Angeles Fish Exchange and M. N. Blumenthal were the representatives or purported representatives of respondents' members of said Southern California Wholesale Fish Dealers Associaacted for them and in their behalf and under their control.

PAR. 4. The receipt and acceptance of such so-called brokerage fees and commissions by respondents Los Angeles Fish Exchange and M. N. Blumenthal, for the use and benefit of said respondent members of said associations, in the manner and under the circumstances hereinabove set forth, was in violation of subsection (c) of Section 2 of said Clayton Act, as amended.

Charge IV

Paragraph 1. The pertinent allegations of Charge I hereof are hereby incorporated herein as though fully set forth verbatim.

Par. 2. Respondent members of the re-Fish Dealers Association, in the ordinary course and conduct of their respective businesses, purchase fish and sea products from various producers, suppliers and shippers directly, or through the agency of respondent Southern Sea Products Brokerage Corporation, through respondent Southern Sea Products Brokerage Corporation, as intermediary, upon orders placed by said respondent members with said Southern Sea Products Brokerage Corporation; and as a result of such purchases or orders respondent members, and each of them, cause such producers, suppliers and shippers to ship or transport fish and sea products from the places of origin thereof outside of the State of California, into said state.

PAR. 3. In the course of said purchasing transactions above referred to, resulting in the delivery of fish and sea products from one or more of said producers, suppliers or shippers to said respondent members by means of the purchasing services of respondent Southern Sea Products Brokerage Corporation, or without such services, respondent members of said Southern California Wholesale Fish Dealers Association have and in the complaint,

suppliers and shippers, and each of them, to transmit, pay to and deliver to respondent Southern Sea Products Brokerage Corporation a so-called brokerage fee or commission, being a certain percentage of the purchase price agreed upon by buyer respondents and the seller. In the course of such purchasing transactions, respondent Southern Sea Products Brokerage Corporation has received and accepted, and is receiving and accepting, such fees and commissions for which no services connected with such purchases of said products by respondent members of Southern California Wholesale Fish Dealers Association were rendered to said producers, suppliers or shippers, and the said Southern Sea Products Brokerage Corporation has and does receive and accept such so-called brokerage fees and commissions as tion and San Pedro Fish Exchange, and agent for and for the use and benefit of said purchasers, being respondent members of Southern California Wholesale Fish Dealers Association, or one or more of them. In receiving and accepting said so-called brokerage fees and commissions, and at all times in the conduct of its business respondent Southern Sea Products Brokerage Corporation is the representative or purported representative of respondent members of Southern California Wholesale Fish Dealers Association and acts for them and in their behalf and is under their control.

PAR. 4. The receipt and acceptance of such so-called brokerage fees and commissions by respondent Southern Sea Products Brokerage Corporation, for the use and benefit of respondent members of Southern California Wholesale Fish spondent Southern California Wholesale | Dealers Association, in the manner and under the circumstances hereinabove set forth, and the plan and policy of said respondent members and said Southern Sea Products Brokerage Corporation of exacting such fees and commissions from the sellers of said products is in violation of subsection c of Section 2 of said Clayton Act, as amended.

Wherefore, the premises considered the Federal Trade Commission on this 17th day of March, A. D. 1939, issues its complaint against said respondents.

Notice

Notice is hereby given you, respondents named in the complaint attached hereto, and to each of you, that the 21st day of April, A. D. 1939, at 2 o'clock in the afternoon, is hereby fixed as the time. and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 17th day of March, A. D. 1939.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 89-950; Filed, March 22, 1939; 9:09 a. m.1

SECURITIES AND EXCHANGE COM-MISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of March, A. D. 1939.

[File No. 1-1932]

IN THE MATTER OF STANDARD INVESTING CORPORATION, COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange having applied pursuant to Section 12 (d) of the Securities Exchange Act of 1934 to strike from listing and registration the common stock, no par value, of Standard Investing Corporation; and

A hearing on appropriate notice having been held on said application;1 Charles F. Eisele and May E. Eisele, common stockholders of Standard Investing Corporation having moved at the hearing (1) that the books, records and documents of the Standard Investing Corporation be produced before this Commission to ascertain the truth of the allegations of the application; and (2) that the application be denied pending the outcome of certain litigation now pending; or (3) that the Commission impose on the granting of the application a condition that it be not effective until the termination of said litigation: and

The Commission having considered the record and being fully advised in the premises, and having this day filed its findings and opinion herein;

It is ordered, That said motions, and each of them, be and they hereby are denied; and

It is further ordered, That the application of the New York Stock Exchange be and it is hereby granted effective at the close of business on March 31, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-959; Filed, March 22, 1939; 11:26 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of March 1939.

[File No. 31-464]

IN THE MATTER OF THE APPLICATION OF PANHANDLE LUMBER COMPANY

ORDER CONSENTING TO WITHDRAWAL UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

Upon the request of the applicant the Commission consents to the withdrawal of the application of the above-named applicant, and to that effect

It is so ordered.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-960; Filed, March 22, 1939; 11:26 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of March, 1939.

[File No. 32-132]

IN THE MATTER OF NORTHERN STATES POW-ER COMPANY (A WISCONSIN CORPORA-TION), NORTHERN STATES POWER COM-PANY (A MINNESOTA CORPORATION), AND CHIPPEWA POWER COMPANY

ORDER RELATIVE TO ISSUE AND SALE OF EONDS

Northern States Power Company (a Wisconsin corporation), Northern States Power Company (a Minnesota corporation) and Chippewa Power Company (a Wisconsin corporation) having filed related applications, whereby Northern States Power Company (a Wisconsin corporation) pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, seeks exemption from the provisions of Section 6 (a) of said Act of (1) the issue and sale of \$17,500,000 principal amount of its First Mortgage Bonds, 31/2% Series, to be dated March 1, 1939, to mature March 1, 1964, (2) the issue and sale of 25,327 shares of its common stock of the par value of \$100 per share, and (3) the assumption of the First Mortgage Gold Bonds, Series A, 6%, due June 1. 1947 of Chippewa Power Company in the principal amount of \$1,703,000, and approval of the acquisition of certain bonds of said applicant, Northern States Power Company (a Wisconsin corporation) from Northern States Power Company (a Minnesota corporation) pursuant to Section 12 (c) of the Act; Northern States Power Company (a Minnesota corporation) seeks approval of the sale of the bonds last mentioned to Northern States Power Company (a Wisconsin corporation), pursuant to the requirements of Section 12 (d) of the Act and approval of the acquisition of the above mentioned common stock of Northern States Power Company (a Wisconsin corporation), as required by Section 10 of the Act; Chippewa Power Company seeks approval of the sale to Northern States Power Com-

pany (a Wisconsin corporation) of certain utility assets, constituting all of the assets of Chippewa Power Company, pursuant to the provisions of Section 12 (f). of the Act;

A public hearing having been held upon said applications, as amended, after appropriate notice, the record having been examined, and the Commission having filed its findings herein;

It is ordered, Subject to the conditions hereinafter set forth:

(1) That the issue and sale of said First Mortgage Bonds of Northern States Power Company (a Wisconsin corporation) in the principal amount of \$17,-500,000, the issue and sale of said common stock of said applicant of the aggregate par value of \$2,532,700 and the assumption by said applicant of the above mentioned bonds of Chippewa Power Company in the principal amount of \$1,703,000, be and the same are hereby exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935;

(2) That the sale by Northern States Power Company (a Minnesota corporation) of the bonds of Northern States Power Company (a Wisconsin corporation) in the principal amount of \$2,532,-100, and of accompanying interest notes, of the latter company, now owned by the former company, for which approval is sought under Section 12 (d) of said Act, and the acquisition by said Minnesota company of said common stock of said Wisconsin company in said aggregate par amount of \$2,532,700, for which approval is sought under Section 10 of said Act, be, and they are hereby approved;

(3) That the acquisition by Northern States Power Company (a Wisconsin corporation) of the bonds of that corporation last described from Northern States Power Company (a Minnesota corporation) for which approval is sought under Section 12 (c) of said Act, he, and the same is hereby approved; and

(4) That the sale by Chippewa Power Company of its utility assets to Northern States Power Company (a Wisconsin corporation), approval for which is sought under Section 12 (f) of said Act, be, and the same is hereby approved;

Provided, and this Order is entered upon the following conditions:

(a) That the issues, sales, assumption and acquisitions herein above authorated be carried out in the manner and for the purposes set forth in the several respective applications, as respectively amended, filed herein, and that, within ten days after each such issue, sale, assumption and acquisition, a certificate of notification showing the same to have been effected in accordance with such terms, conditions and for such purposes shall be filed by the applicant applying for exemption or approval in respect thereto;

¹3 F. R. 2357 DI.

No. 56---3

¹4 F. R. 1021 DL

sales and assumption of securities by Northern States Power Company (a Wisconsin corporation) herein above granted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935 shall terminate forthwith when, and if, the express authorization of such issue, sale and assumption by the Public Service Commission of Wisconsin shall be revoked or otherwise ter-

It is further ordered, Pursuant to the powers vested in this Commission by Sections 12 (c) and 20 (a) of the Public Utility Holding Company Act of 1935, and in accordance with the written consent of Northern States Power Company (a Wisconsin corporation) filed herein, that:

Except as this Commission may by order, or orders, from time to time, permit, so long as any of said Corporation's First Mortgage Bonds, 31/2% Series, due. March 1, 1964, are outstanding under the trust indenture, dated March 1, 1939, from said Corporation to the First Wisconsin Trust Company, as Trustee, said Corporation shall not, nor shall any successor or successors of said Corporation, declare or pay any dividends. (other than. dividends payable solely in shares of its common stock) or make any other distribution on any shares of its common stock, nor shall any shares of such common stock be purchased, retired or otherwise acquired by said Corporation (or any successor or successors thereof), unless the amount expended by the Corporation (or any such successor or successors) for maintenance and repairs plus provisions for depreciation during the period from March 1, 1939, to the date of the proposed payment of such dividend or making of such distribution or acquisition, plus the earned surplus of the Corporation, accumulated since March 1, 1939, remaining after payment of such dividend or the making of such distribution or acquisition, shall equal fifteen per cent of the gross operating revenues (as defined in said trust indenture) of the Corporation (or any such successor or successors) during such period, after the deduction therefrom of an amount equal to the cost to the Corporation of electric energy or gas purchased and resold, and rentals paid for electric or gas generating, transmission or distributing properties leased (including leased water and leased water properties) by the Corporation and payments by the Corporationfor the use of similar properties operated and maintained by others during such period.

The provisions contained in the foregoing paragraph shall be subject to review, modification and revocation by this Commission at any time, and from time to time, upon its own motion or upon application by the Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,

Secretary.

[F. R. Doc. 39-961; Filed, March 22, 1939; 11:27 a. m.]

Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21 day of March, A. D. 1939.

IFile No. 56-231

IN THE MATTER OF LEONARD S. FLORSHEIM, TRUSTEE INLAND POWER AND LIGHT CORPORATION, DEBTOR.

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the abovenamed party;

It is ordered, That a hearing on such matter be held on April 11, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearingroom clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 6, 1939.

The matter concerned herewith is in regard to the application of Leonard S. Florsheim, Trustee, Inland Power and Light Corporation, Debtor, a registered holding company, for approval of the sale of securities of Arkansas-Missouri Power Corporation an associate company of applicant, and a public-utility and holding company subsidiary of The Middle West Corporation, a registered holding company, more particularly described as:

> Maximum amount to be sold (shares)

Title of issues Common stock, par value of \$1.00 per share_______Purchase 16,-39, 278, 8 000 shares of common stock at \$10.00 per share___

said sale to be made through brokers on the over-the-counter market to the

(b) That the exemption of the issues, United States of America—Before the general public at various times and varying prices.

By the Commission.

[SEAL] FRANCIS P. BRASSOR. Secretary.

[F. R. Doc. 39-957; Filed, March 22, 1939; 11:26 a. m.l

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of March, A. D. 1939.

[File No. 31-4091

IN THE MATTER OF CONSOLIDATED CITIES LIGHT, POWER AND TRACTION COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 3 (a) (5) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the abovenamed party;

It is ordered, That a hearing on such matter be held on April 4, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearingroom clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered. That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 30, 1939.

The matter concerned herewith is in regard to an application filed by Consolidated Cities Light, Power & Traction Company for exemption from the provisions of the Public Utility Holding Company Act of 1935 pursuant to Section 3 (a) (5).

By the Commission.

[SEAL] Francis P. Brassor, Secretary.

[F. R. Doc. 39-958; Filed, March 22, 1939; 11:26 a. m.]